

Creating a Fair Workplace for Transgender Employees and Applicants

National Gay and Lesbian Task Force



Terminology

Transgender: An umbrella term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth. Transgender is a broad and respectful term that is generally the most appropriate term to use. It is an adjective, not a noun.

Transition/Gender Transition: The period during which a person begins to live in their new gender. Transition may involve medical care; however, it is not required. Not all transgender people transition.

Female-to-male (FTM) and male-to-female (MTF): These terms denote which gender a person started (the first listed) and the gender they live as now (the last term).

Important Considerations

Hiring: not relevant that a background check indicates a previous gender change; name/gender on the application should be of current usage or legal status (unless the application makes it clear otherwise); gaps in job histories and missing references are common because of discrimination; confirm which name/gender to use when checking references; hiring paperwork at initial employment may be the point of disclosure/"outing;" records must only match name with SSA, not gender.

Identity Documents and Records: policies with regard to name on ID badge, email account, business cards, and records more generally should allow an employee to use their current name, including an abbreviation, nickname, or initial as an accommodation for those with gender-specific names.

Confidentiality: general rule of confidentiality but follow an employee's preferences; best practice is to jointly develop a plan for informing coworkers of upcoming gender transition.

Harassment: manifests itself primarily in the intentional misuse of pronouns and old name; invasive questions about one's body/medical treatment are inappropriate and can be harassing.

Restroom Access: usage should be according to the gender the person lives as.

- During transition, an employee may prefer a single-use facility as coworkers adjust. Best practice is to allow access based on a person's new gender identity.
- If a coworker expresses a concern, this is generally temporary. If not, a best practice is to give the concerned coworker access to a specific restroom.

Dress Codes: dress standards should be applied according to the gender the person lives as and should only apply while at work.

Work Assignments: no change should be made in work assignments, salary, etc.; requests to transfer should be treated like any other request.

Health Care: sick time can be used; medical leave also may be used; note that changing gender does not alter a person's marital status for the purpose of spousal benefits.

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